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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/06/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,222

Applicant(s)

MILLER ET AL.

Examiner

Wes Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,157,435 to Slater et al.

3. With regard to claim 1, Slater discloses a digital image routing system, comprising means for receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater further discloses means for transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel

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(column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

4. With regard to claim 2, Slater discloses the digital image routing system of claim 1, further comprising means for enhancing the means for enhancing the a digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses means for transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

5. With regard to claim 3, Slater discloses the digital image routing system of claim 2, wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the enhancement of images based on a customer preference.

6. With regard to claim 4, Slater discloses a digital image enhancement system, comprising means for receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that

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information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater further discloses means for enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses means for transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

7. With regard to claim 5, Slater discloses the digital image enhancement system of claim 4, wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

8. With regard to claim 6, Slater discloses the digital image enhancement system of claim 4, further comprising means for transmitting the digital image packet to a remote digital image editing system (50) selected according to the customer preference parameter (column 10, lines 38-48 and column 9, lines 45-50). Here the IDM is interpreted as a remote digital image editing system and the particular image editing performed is done according to the customer's preference.

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9. With regard to claim 7, Slater discloses a digital image routing method, comprising the steps of receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater also discloses transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel (column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

10. With regard to claim 8, Slater discloses the digital image routing method of claim 7, further comprising the steps of enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

11. With regard to claim 9, Slater discloses the digital image routing method of claim 7, wherein the step of enhancing a digital image, includes enhancing the digital image automatically based upon the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

12. With regard to claim 10, Slater discloses the digital image routing method of claim 7, further comprising the step of enhancing the digital image automatically using an automatic digital image enhancement system (column 10, lines 38-48). Here the images are enhanced automatically by the IDM which is considered to be an automatic digital image enhancement system.

13. With regard to claim 12, Slater discloses a digital image enhancement method, comprising the steps of receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater further discloses enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements

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made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

14. With regard to claim 13, Slater discloses the digital image enhancement method of claim 12, wherein the step of enhancing the digital image, includes enhancing the digital image automatically based upon the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

15. With regard to claim 14, Slater discloses the digital image enhancement method of claim 12, further comprising the step of enhancing the digital image automatically using an automatic digital image enhancement system. (column 10, lines 38-48). Here the images are enhanced automatically by the IDM, which is considered to be an automatic digital image enhancement system.

16. With regard to claim 16, Slater discloses the digital image enhancement method of claim 12, further comprising the steps of transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel (column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

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Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,157,435 to Slater and U.S. Patent 6,507,675 to Lee.

19. With regard to claim 11, Slater discloses the digital image routing method of claim 10, but does not disclose the steps of storing an enhancement performed on a previous digital image; analyzing the enhancement performed on the previous digital image; and establishing the enhancement parameter to be used by the automatic digital image enhancement system to automatically enhance the digital image. Lee discloses an automatic image enhancement learning system that uses image enhancements and their results to determine the effectiveness of the image enhancement and then changes the enhancement process to optimize the enhancement. Lee teaches that this process helps in solving the problem of inconsistent, costly, and time-consuming methods of image enhancement by upgrading the parameters of the image enhancement. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the method taught by Lee in order to repeatedly optimize the automatic image enhancement of Slater.

20. With regard to claim 15, the discussion of claim 11 applies.

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Prior Art

21. The following prior art made of record, but not relied upon is as follows:

U.S. Patent 6,658,167 to Lee et al.

U.S. Patent 6,640,016 to Ito

U.S. Patent 6,202,073 to Takahashi

U.S. Patent 6,674,924 to Wright et al.

Conclusion

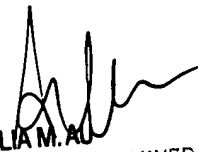
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker

4-27-04


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600